

# ***Exhibit “D”***

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1           IN THE UNITED STATES DISTRICT COURT FOR THE  
2           WESTERN DISTRICT OF PENNSYLVANIA  
3       THOMAS E. MERTZ,               : CIVIL ACTION  
4       Plaintiff                    :  
5       v.                             : NO. 04-55E  
6       DONZI MARINE, INC. and       :  
7       AMERICAN MARINE HOLDINGS, :  
8       INC., in its own right and:   
9       d/b/a DONZI MARINE,         :  
10      Defendants                    : JURY TRIAL DEMANDED  
11  
12                   Deposition of GREGORY SZCZESNY, taken before  
13      and by Sonya Hoffman, Notary Public in and for the  
14      Commonwealth of Pennsylvania on Wednesday, February  
15      2, 2005, commencing at 1:31 p.m., at the offices of  
16      MacDonald Illig Jones & Britton, LLP, 100 State  
17      Street, Suite 700, Erie, PA 16507.  
18      For the Plaintiff:  
19      W. Patrick Delaney, Esquire  
20      Matthew W. Fuchs, Esquire  
21      MacDonald Illig Jones & Britton, LLP  
22      100 State Street, Suite 700  
23      Erie, PA 16507  
24      For the Defendants:  
25      Robyn F. McGrath, Esquire  
26      Sweeney & Sheehan, P.C.  
27      1515 Market Street, Suite 1900  
28      Philadelphia, PA 19102  
29      Reported by Sonya Hoffman

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1       GREGORY SZCZESNY, first having  
2       been duly sworn, testified as follows:  
3  
4                   DIRECT EXAMINATION  
5       BY MR. DELANEY:  
6  
7       Q. Mr. Szczesny, I introduced myself to you before,  
8       I'm Patrick Delaney. I'm here on behalf of Mr. Mertz with  
9       regard to a lawsuit that's pending in the Federal District  
10      Court here in Erie concerning a boat that he purchased back,  
11      I think, in 2002.  
12      I'm going to ask you some questions, some  
13      questions about yourself and the store that you owned, what  
14      you might remember about the transaction and Mr. Mertz and  
15      contact with Mr. Mertz. You have brought with you today a  
16      bunch of documents that we may take time to identify some or  
17      all of them. So that's the order in which we're going to go  
18      through.  
19      It's a question-and-answer period. You're not  
20      expected to give speeches. I'll ask questions, you give me  
21      answers as best you can. If you need to take a break, let  
22      me know. All of your -- just a couple general rules of  
23      thumb, if you could not talk over me and I won't talk over  
24      you in the sense that please don't start an answer before I  
25      finish a question because this young lady will get upset  
1      because it comes out poorly when it's written.  
2      In addition to that, if you want to say yes or no,  
3      please do so but avoid doing the uh-huh or huh-uh because  
4      when you read it, you can never tell whether it's  
5      affirmative or negative. And if you do that, as many people  
6      do, I may interrupt you and ask you does that mean yes or no  
7      and I don't mean to be rude.  
8      If I confuse you with a question, and I'm prone to  
9      do that occasionally, stop me and say I don't understand  
10     what you mean or you're wrong or make me rephrase it and I'm  
11     happy to do that. We just want to get a clear record and  
12     some background from you, okay?  
13     A. Uh-huh.  
14     Q. That's a yes. Let's start with your full name,  
15     please.  
16     A. Gregory Michael Szczesny.  
17     Q. And your current address, please.  
18     A. 5676 Luna Lane.  
19     Q. And what community is that?  
20     A. Erie, PA 16506.  
21     Q. Is there a telephone number at which you can be  
22     readily reached?  
23     A. 440-0293. That would be an 814 area code, also.  
24     Q. That's a cell phone?  
25     A. Yeah.

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1 Q. Tell me a bit about your education. Where did you  
2 go to -- did you go to high school?  
3 A. I went to high school at East High School.  
4 Graduated there, went to work at General Electric  
5 Corporation, worked there going to Gannon University for  
6 seven years.  
7 Q. Did you take a degree from Gannon?  
8 A. No, never finished it.  
9 Q. What curriculum were you in?  
10 A. Industrial engineering.  
11 Q. When were you last at Gannon?  
12 A. I'll show my age --  
13 Q. Well, I'm going to ask you a date of birth so you  
14 might as well give it up.  
15 A. I know. I'm trying to think, I'd say '80 -- '79,  
16 '80.  
17 Q. Okay. What is your date of birth, please?  
18 A. 9/11/54.  
19 Q. Married or single?  
20 A. Married.  
21 Q. Any kids?  
22 A. Two.  
23 Q. Grown?  
24 A. Yes.  
25 Q. You mention that you were at GE. Did you have

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1 just a position as a laborer or a skilled trade?  
2 A. A machinist.  
3 Q. How close were you to your degree in industrial  
4 engineering?  
5 A. Two years away.  
6 Q. I presume you were going part time over that  
7 period of time?  
8 A. Uh-huh, yes.  
9 Q. Did you take any sort of an associate's degree  
10 or --  
11 A. Yes. I have a degree from the Associated  
12 Industrial Engineering Center.  
13 Q. From Gannon?  
14 A. No, it's an outsourcing corporation.  
15 Q. Any other advanced education other than Gannon?  
16 A. No.  
17 Q. I understand that you had an ownership interest in  
18 a business called The Boat Store.  
19 A. Yes.  
20 Q. When did you first become involved in that  
21 business?  
22 A. About 1998.  
23 Q. Did you found the business?  
24 A. Yes.  
25 Q. Where was the initial location of the business?

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1 A. 10190 West Main Road, North East, PA.  
2 Q. Did it ever have any other location?  
3 A. We moved to 10170 West Main Road, North East, PA.  
4 Q. When did you make that move?  
5 A. 2000.  
6 Q. And have you -- I'm sorry, is The Boat Store still  
7 in operation?  
8 A. Yes, it is.  
9 Q. And is it still at 10170 West Main Road in North  
10 East?  
11 A. Partially.  
12 Q. Where else is it located?  
13 A. We have one on -- at Dobbin's Landing.  
14 Q. When was that opened?  
15 A. 2001.  
16 Q. Are there any other locations?  
17 A. We have a sales office on the Bayfront Highway.  
18 Q. Here in the City?  
19 A. Uh-huh.  
20 Q. When was that sales office opened?  
21 A. 2004.  
22 Q. You know that we're here with regard to the  
23 purchase by Mr. Thomas Mertz of a boat manufactured by  
24 Donzi. What store would that -- or what location would that  
25 transaction have occurred?

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1 A. North East.  
2 Q. All the discussions and any paperwork; is that  
3 true?  
4 A. Yes.  
5 Q. I jumped ahead of myself. What is the nature of  
6 the business of The Boat Store?  
7 A. Boat sales, service.  
8 Q. Has that been true throughout its --  
9 A. Yes.  
10 Q. -- I guess now, six or seven year existence?  
11 A. Yeah.  
12 Q. How many employees at The Boat Store?  
13 A. Right now, two.  
14 Q. Including yourself?  
15 A. Uh-huh.  
16 Q. Who's the other person?  
17 A. Jack McAllister.  
18 Q. What does Mr. McAllister do?  
19 A. Sales.  
20 Q. Back in 2002 -- and I believe our transaction  
21 occurred May 8, 2002, how many employees were at The Boat  
22 Store?  
23 A. Eight.  
24 Q. That would include you?  
25 A. Uh-huh.

C E R T I F I C A T I O N

I, Sonya Hoffman, a Court Reporter and  
Notary Public in and for the Commonwealth of  
Pennsylvania, do hereby certify that the foregoing  
is a true and accurate transcript of my  
stenographic notes in the above-captioned matter.

*Sonya Hoffman*

Court Reporter and Notary Public

Dated: *February 15, 2005*

